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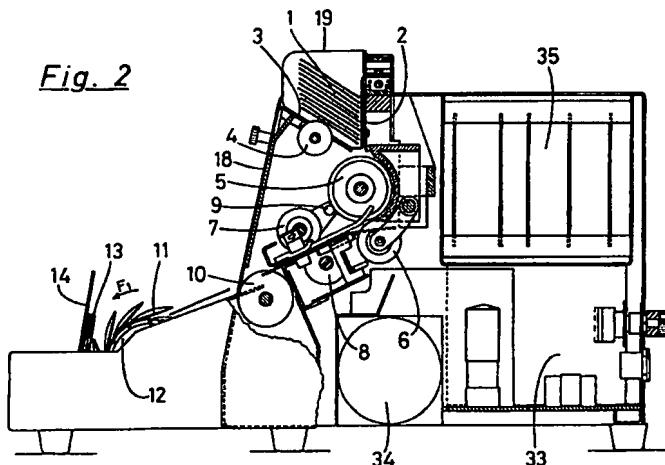
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Manchester, M3 3DP.

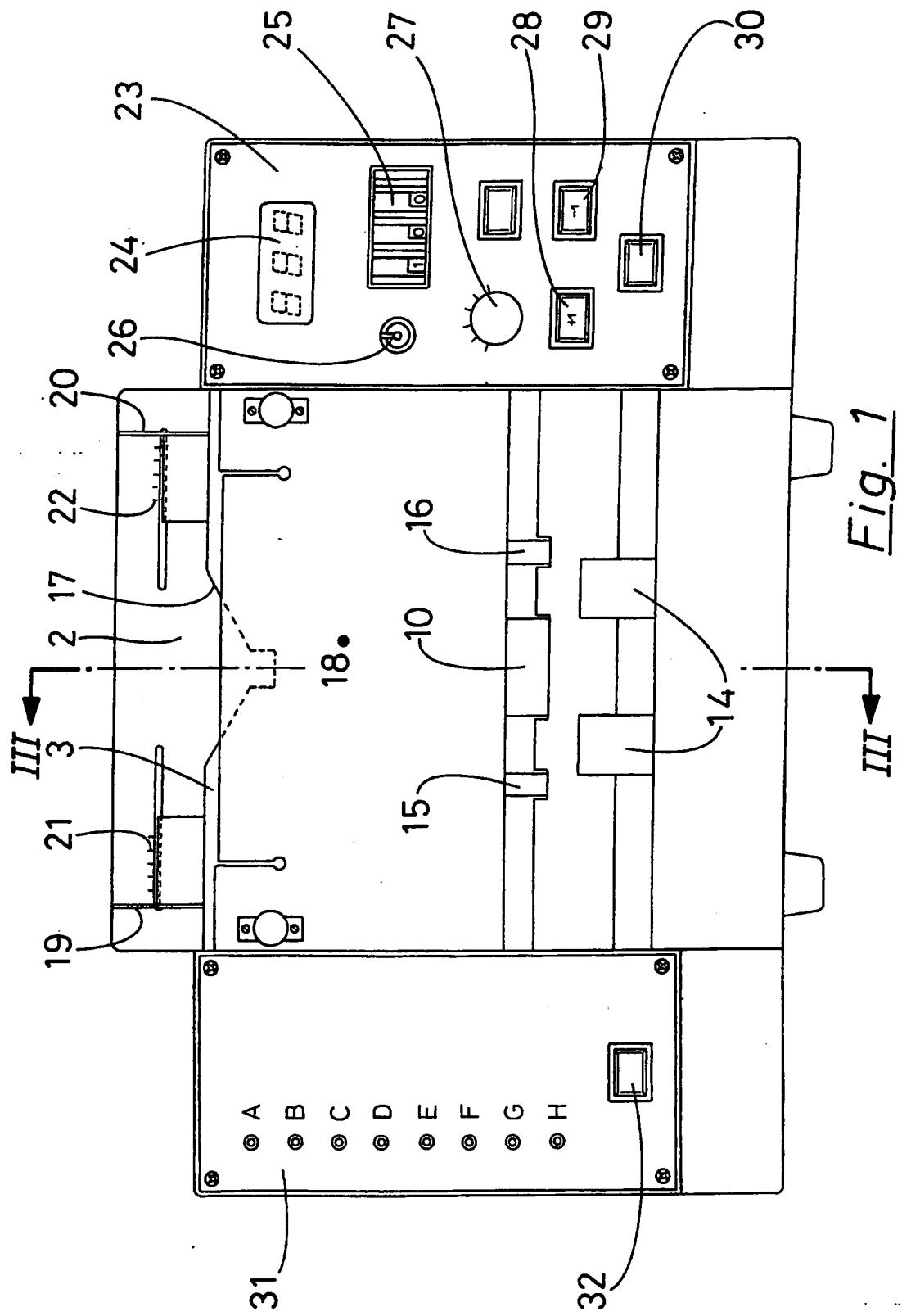
(54) Counting bank notes

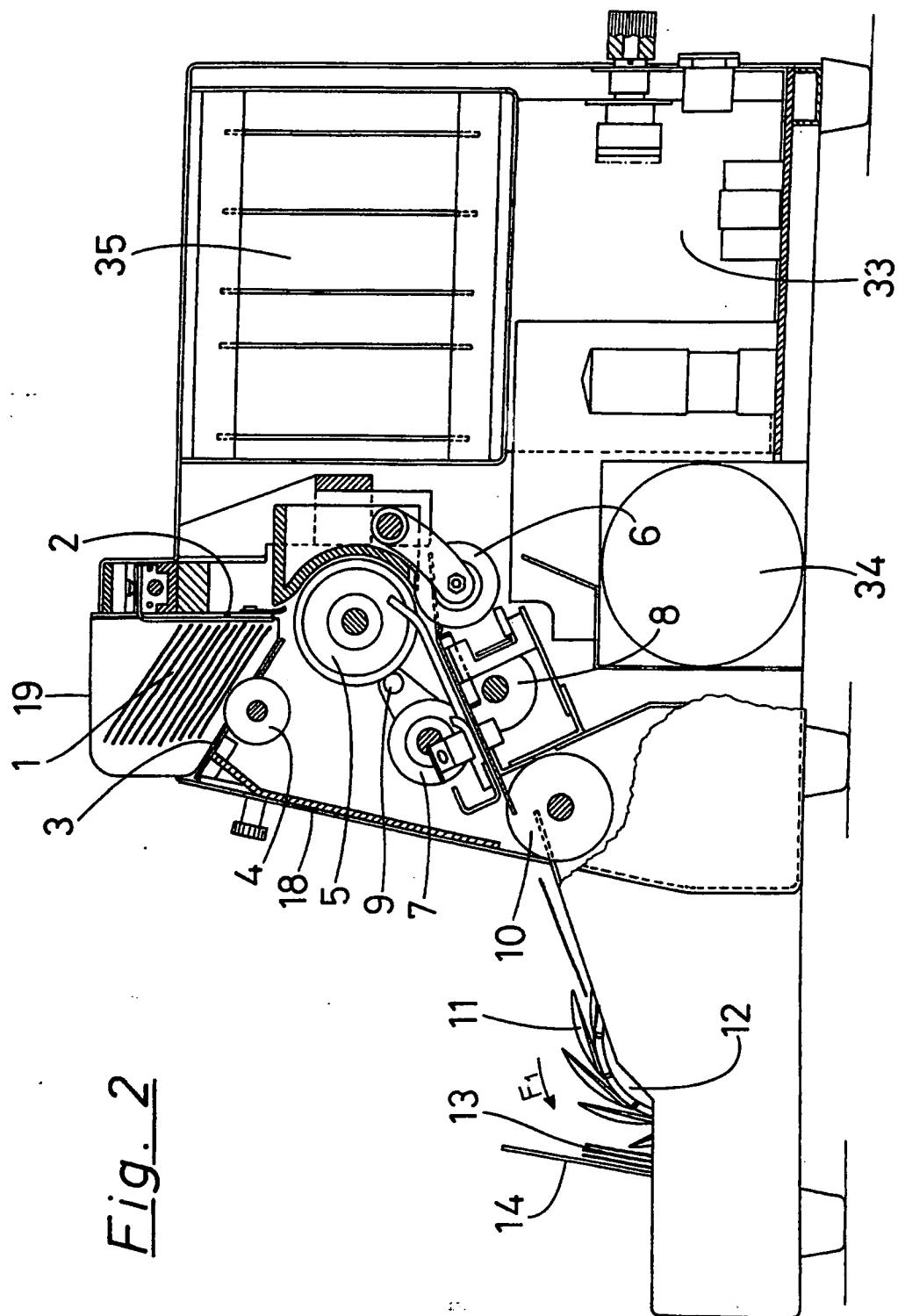
(57) A table-top machine for counting used notes includes a feed hopper 1 with means for lateral positioning of wads of notes, before these are passed one by one to counting means and to a length checker constituted by two rows of photoelectric elements arranged transverse to the path of the notes. The lateral positioning means is made up of two guides on click-stopped carriages, linked by a cable passing over pulleys. The notes are checked individually by an infra-red detector, a metal strand detector and a double feed detector triggered by the lower transparency of two superimposed notes. After counting, the wad is reconstituted.

Fig. 2



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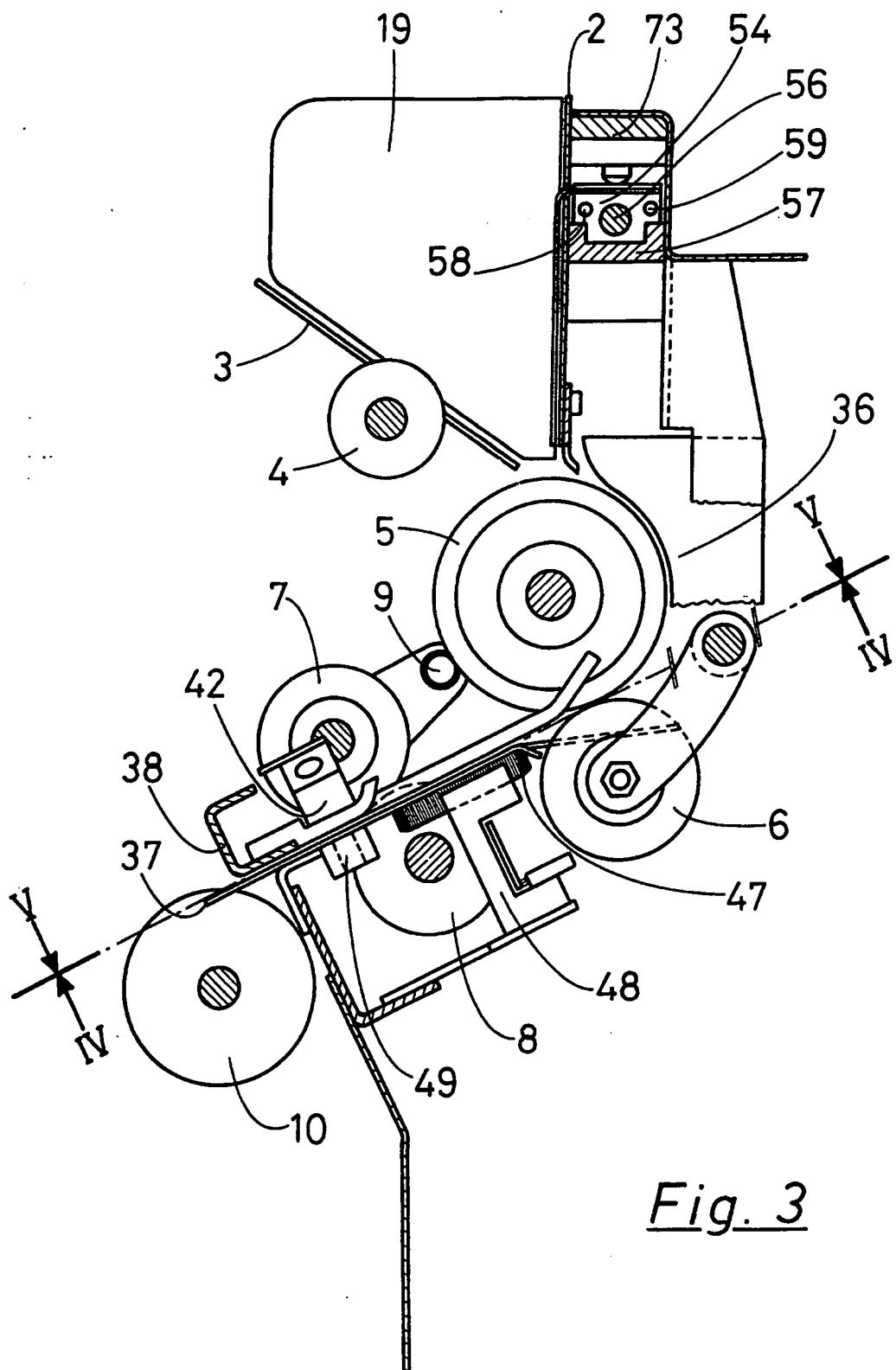


Fig. 3

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Fig. 4

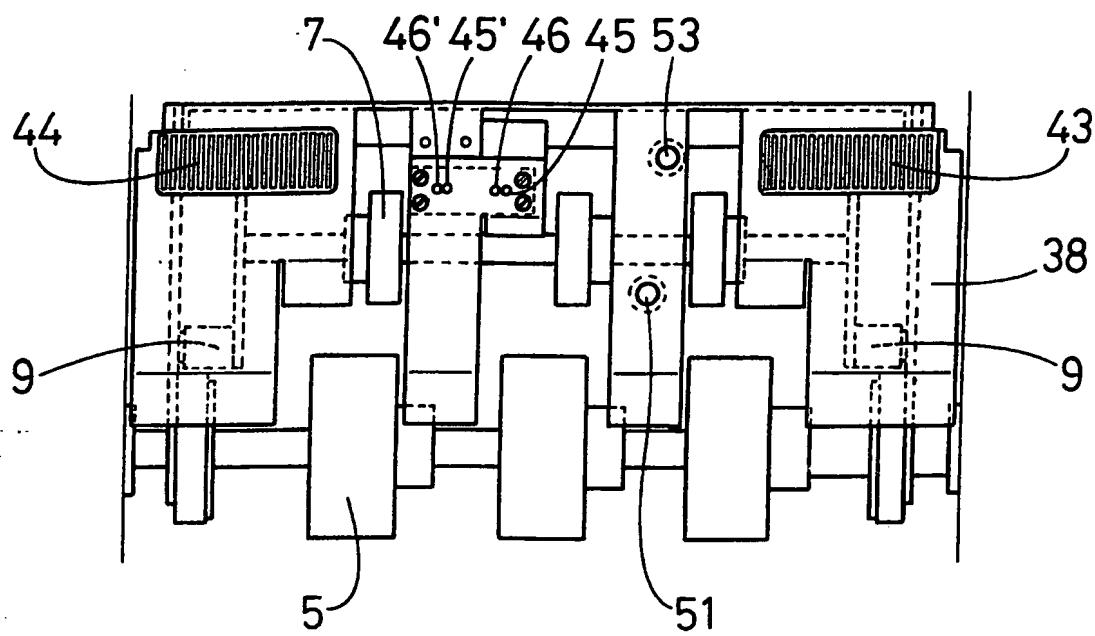
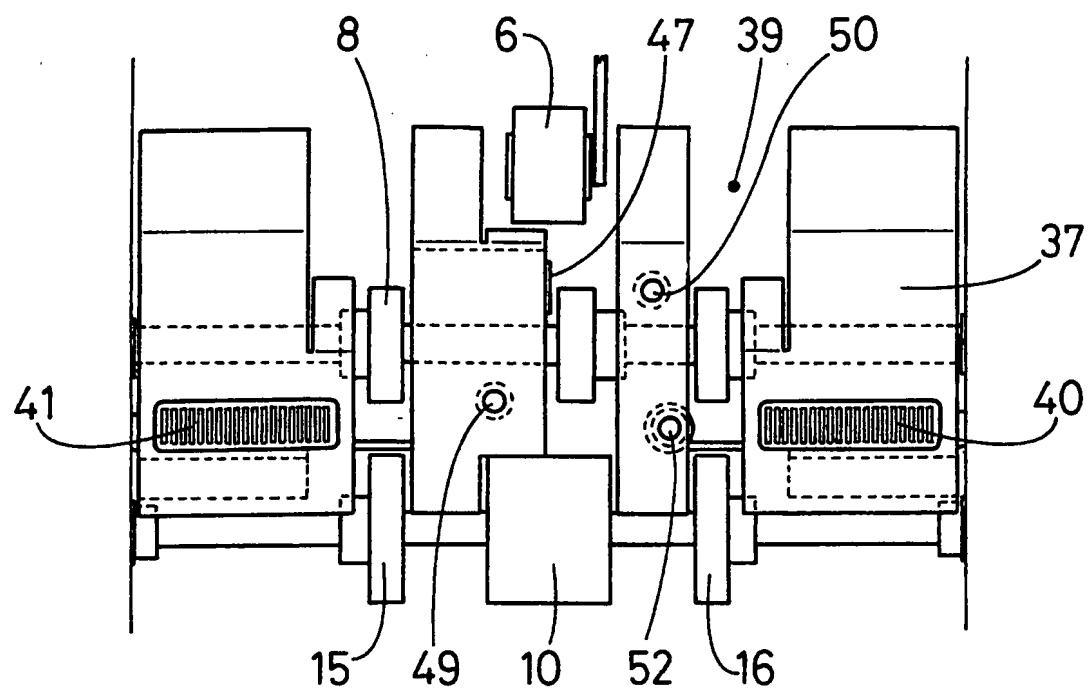


Fig. 5



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Fig. 6

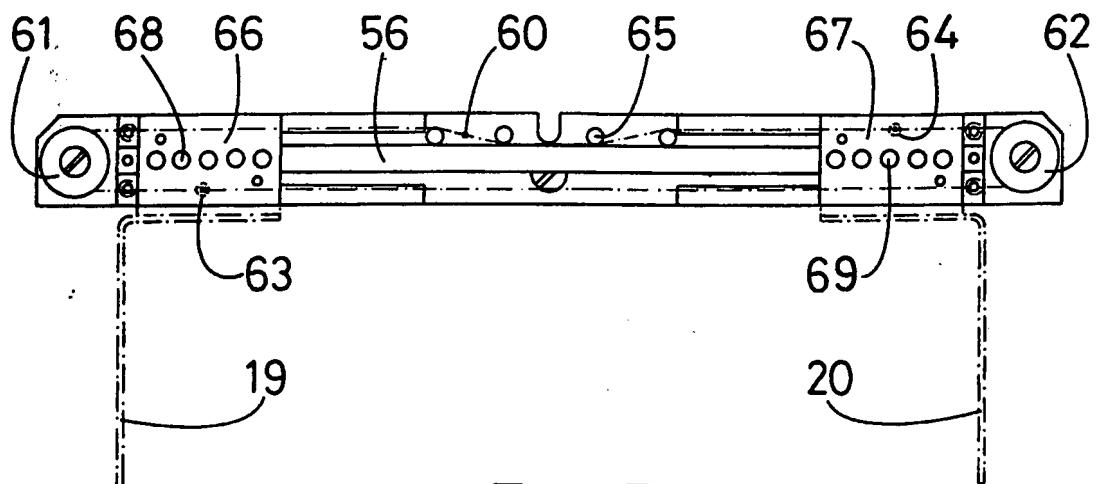
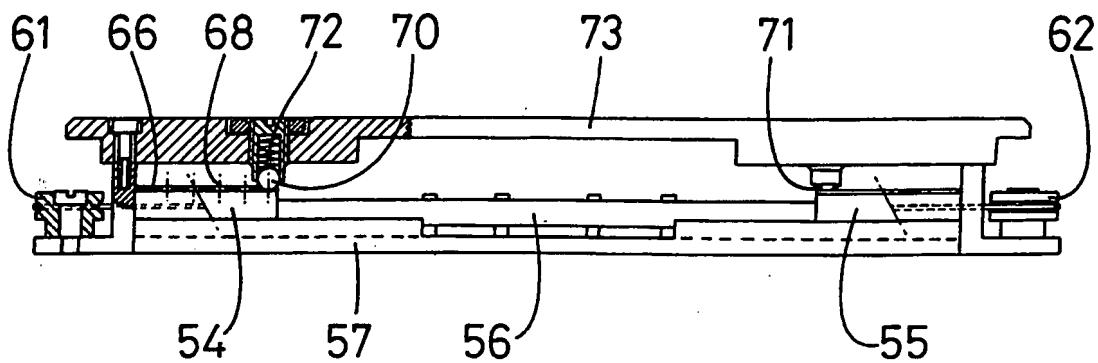


Fig. 7

SPECIFICATION

Table top machine for counting wads of used notes

5 The present invention relates to a table-top machine for counting wads of used notes, comprising driving means with rollers for moving the notes one by one, counting means and means for receiving and reconstituting the wad.

10 Various types of machine are known for counting notes in the wads received by central banks. Although they facilitate very rapid and mechanical counting of the notes, these machines such as the machine made by GLORY Ltd., of Japan type

15 G.N.B/1/S, are nevertheless incapable of detecting the presence of a note which does not belong in the wad, whether the latter is a note having a different value or a forged note. The most frequent error is the presence of a note of another value and this is owing

20 to the very similar dimensions of certain notes. It would therefore be advantageous if a machine for counting wads is at least capable of detecting a note having a different value.

The present invention intends to ensure at least a

25 check of this type.

To this end, the machine according to the invention is characterised by the fact that it also comprises at least means for checking the length of the notes comprising two rows of photo-electric elements

30 arranged transversely with respect to the trajectory of the notes and means for the lateral positioning of the notes at the inlet of the machine constituted by two guides respectively integral with two carriages moving on a rail and coupled to each other by a

35 flexible connection passing over two pulleys so that they move in opposite directions and in synchronism, a positioning device comprising a ball provided for positioning each of the carriages in different positions corresponding to the different values of

40 the notes.

The means for the rapid positioning of the wad at the inlet of the machine make it possible to position the notes correctly with respect to the rows of photo-electric elements, which makes it possible to

45 work with a minimum number of photo-electric elements, checking the length being carried out by counting the photo-electric elements covered by the notes in each row.

The same rows of photo-electric elements may

50 also be used for checking if the notes have dog-ears, i.e. corners which have been folded over of unacceptable dimensions. In this case the note is withdrawn from circulation.

The machine may also advantageously be equipped with other checking means such as means for checking for the passage of two notes at the same time as well as means for checking the authenticity of the notes.

The accompanying drawings illustrate, by way of

55 example, a preferred embodiment of the invention.

Figure 1 is a front elevational view of the machine.

Figure 2 is a side elevational view thereof, partly in section.

Figure 3 shows a detail of figure 2, in section on

60 line III-III of Figure 1.

Figure 4 is a view of the upper part of the outlet of the machine in direction IV of Figure 3.

Figure 5 is a view of the lower part of the outlet of the machine in direction V of Figure 3.

70 Figure 6 is an elevational view partially in section of the device for centring the notes.

Figure 7 is a plan view of this same centring device.

Reference will firstly be made to figures 1 and 2. In

75 its upper part the machine comprises a container 1 intended to receive the wads of notes and constituted essentially by a main vertical plate 2 and an oblique plate 3 together constituting a type of hopper. The plate 3 comprises openings for the

80 passage of three driving rollers 4 intended to introduce the notes one by one into the counting device. The latter is constituted in known manner by three drive rollers 5 co-operating with counter-pressure rollers 6 which ensure the travel of the

85 notes in front of the counting cell. The notes are then entrained between two sets of rollers 7 and 8, the upper pressure rollers 7 being able to be raised about a pivot 9. The notes then leave on a smooth roller 10 and are propelled between the inclined

90 teeth 11 of two wheels 12 set in rotation in the direction of arrow F1, which reconstitute the wad 13 against two approximately vertical abutments 14, between which it is possible to recover the reconstituted wad. The ejection of the notes in the direction

95 of the wheels 12 is ensured by two rollers 15 and 16. The plate 3 of the hopper comprises a recess 17 facilitating the positioning of the wad or its removal. The entire checking mechanism is protected behind a removable plate 18.

100 The wad introduced into the hopper 1 is retained laterally and centred by means of two guides 19 and 20 constituted by plates which are able to move perpendicular to the plates 2 and 3, which may be positioned opposite two graduations 21 and 22

105 indicating the value of the notes to be counted.

Provided on the right-hand side of the machine is a panel 23 comprising a digital display 24 associated with the counter, an arrangement of three keys 25 for preselecting the number of notes to be counted,

110 control switch 26, a switch 27 making it possible to select the value of the notes to be counted and checked, two buttons 28 and 29 making it possible to correct by one unit, more or less, the number of notes counted, in the case where a note is withdrawn

115 from or added to the bundle and a start/stop switch 30.

Provided on the left-hand side of the machine is a panel comprising eight indicator lights referred to by the references A to H and indicating respectively

120 when they are illuminated, the preselected value reached, multiple start, empty inlet, jammed note, incorrect dimensions, dog-ears, detection of forgery by the authenticity check number one and detection of forgery by the authenticity check number two.

125 This panel also comprises a main switch 32.

The remainder of the machine includes a power supply circuit 33, a drive motor 34 and an arrangement of cards 35 comprising the electronic circuits for the counting and checking means. These circuits

130 are either known or taken from larger installations

constructed by the applicant and described in prior 5 patents and will not be described again here. Only the original arrangement of the detectors will be described with reference to figures 3 to 5. Counting 10 of the notes takes place approximately in the region of the point 49, in known manner by means of a photo-electric cell. The detection members for carrying out the various checks are mounted on two plates 37 and 38, parallel in the operating position 15 and located at a slight distance from each other, which is just sufficient for the passage of the notes, the plate 38 being integral with the shaft of the rollers 7 and being able to be raised with the latter by pivoting about pivots 9 in order to release a note 20 which may be jammed between the plates 37 and 38. The plates 37 and 38 comprise cut-outs such as 39 for the passage of the drive rollers. The lower plate 25 37 comprises two rows of slots 40 and 41 arranged on the same line transversely with respect to the direction of travel of the notes behind which are mounted photo-electric elements, for example photodiodes. The upper plate 38 also comprises two rows of slots 43 and 44 arranged opposite the slots 40 and 41 and behind each of which is located a light 30 source, for example luminescent diodes. The electric leads have not been shown so as not to overcrowd the drawings. The photo-electric elements 42 make it possible to check the length of the note, i.e. its value. In fact it is sufficient to count the photo-electric 35 elements which are covered or not covered by the note as it passes. The same photo-electric elements make it possible to detect the presence of dog-ears, which are detected by a reduction in the length of the notes in the vicinity of their front and rear edges, seen in the direction of movement. Pulses in synchronism with the movement of the note make it possible to determine the width of the note, i.e. the successive passage of these front and rear edges. Checking for dog-ears may be carried out by 40 means of circuits such as those described in published French Patent Application 2443107.

Counting the notes and checking their value is a minimum check of the authenticity of these notes before they are put back into circulation or destroyed. To this end, the machine comprises means 45 for checking using infrared ray and means for checking the presence of a metal strand.

The means for checking using absorption of infrared radiation 42 are mounted on the upper 50 plate 38. These means comprise essentially two identical devices each comprising a light source constituted by a luminescent diode 45 respectively 45', in front of which is placed an infra-red filter and a photodiode 46 respectively 46', placed quite close 55 to the diode 45 respectively 45'. The diodes 45 and 45' are supplied by a high frequency source of modulated current for example of 100KHz. The light reflected is received by the photodiodes 46 and 46'. The signal received is demodulated and processed 60 as described in Swiss Patent Application No. 4 130/78-4.

Checking the presence of a metal strand is carried out by means of a detection head 47 forming part of a resonant circuit 48 supplied by a high frequency 65 source whereof the frequency is close to the reso-

nance frequency of the circuit. The variation of current in the resonant circuit at the time of the passage of the strand has the effect of modulating the high frequency and it is sufficient to demodulate 70 this signal in order to detect the presence during a reading window of the strand, as described in published French Patent Application No. 2 422 210. The lower plate 37 also comprises a photo-electric cell 49 for checking the transfer of the note from the 75 machine. This cell 49 uses the infra-red light source 45 as its light source. A special photo-electric cell 50 is provided further to the rear on the plate 37 for checking if a note has remained jammed in the machine. This cell co- 80 operates with a light source 51 mounted on the plate 38. A photo-electric cell 52 is finally provided which cooperates with a light source 53 for detecting double notes, i.e. superimposed notes which have 85 been counted as a single note by the counting cell. This detector for detecting double notes operates by transparency. The signal received is rendered digital by a trigger, the threshold of which is regulated according to the absorption through a note. In order 90 to reduce the detection errors owing to the absorption differences depending on the quality of the notes, the pulses are counted in synchronism with the speed of travel of the notes throughout the duration of passage of the latter in front of the 95 detector. Since the number of pulses detected is twenty for example for a normal width of note, if two notes are superimposed, the light received will be less and the number of pulses will be very much less than twenty, for example five, which makes it 100 possible to detect double notes.

The movable guides 19 and 20 make it possible to carry out rapid centring of the wads of different values in the container 1. These guides are respectively integral with two carriages 54 and 55 mounted 105 to slide on a cylindrical bar 56 and in a profiled support 57 extending transversely above the container 1. An endless cable 60 passes through the carriages 54 and 55 through two parallel bores 58 and 59 and passes around two grooved pulleys 61 110 and 62. The carriage 54 is connected to one of the strands of the cable 60 at a point 63, by means of a screw, whereas the other carriage 55 is connected to the other strand at a point 64. The cable 60 is tensioned by means of four studs 65. Fixed to the 115 carriages are small plates 66 and 67 each provided with a row of holes 68, respectively 69 forming housings for a ball 70 respectively 71 mounted on a spring 72 in screws supported by a cross-member 73, for positioning the carriages in one of the 120 positions corresponding to the graduations 21 and 22. For positioning the two guides 19 and 20 in the position corresponding to the value of the notes of the wad to be counted, it is sufficient to push one of the guides close to the corresponding graduation, 125 the other guide entrained by the cable 60 being positioned automatically opposite the graduation, the final positioning being ensured by the balls 70 and 71.

When the wad has been introduced and centred in 130 the container 1, the user places the selector button

27 at the suitable value and by means of the keys 25 introduces the number of notes to be located in the wad. The user then starts up the machine by pressing the button 30. If the preselected number is 5 reached, the indicator light A lights up. If the checking means detect a note of incorrect dimensions or comprising dog-ears of inadmissible dimensions or a forgery, the indicator light in question lights up and the machine stops. The note identified 10 is removed. The operator presses the button 29 in order to correct the number counted by one unit if less or completes it by a note which is in a good condition. The number of notes, respectively the value of the notes counted is recorded and memo- 15 rised. It may be processed by a suitable data processing installation.

CLAIMS

20 1. A table-top machine for counting wads of used notes, comprising driven roller means for moving the notes one by one, counting means and means for receiving and reconstituting the wad, the machine being characterised by means for checking 25 the length of the notes and including two rows of photo-electric elements arranged transversely with respect to the path of the notes through the machine, means for the lateral positioning of the notes at the inlet of the machine and constituted by two guides 30 respectively integral with two carriages movable along a rail and coupled by a flexible connection passing over pulleys so that they move in opposite directions in synchronism, and a positioning device for positioning each of the carriages in different 35 positions corresponding to the different values of the notes.

2. A machine according to claim 1, in which the positioning device comprises a carriage-positioning ball.

40 3. A machine according to claim 1 or 2, comprising means for checking the corners of the notes in order to detect the presence of dog-ears.

4. A machine according to claim 3, in which the means for checking the corners is constituted by the 45 same photo-electric elements as used for checking the length of the notes.

5. A machine according to any preceding claim comprising means for checking the authenticity of the notes, said means being an infra-red detector 50 and a detector for the metal strand contained in the notes.

6. A machine according to any preceding claim, comprising means for checking the passage of two superimposed notes, said means including a light 55 source, a receiver detecting the light pulses after they have passed through the thickness of the notes.

7. A machine according to any one of the preceding claims comprising means for checking the transfer of the notes and including a photo-electric 60 detector element.

8. A machine according to claim 6, in which the photo-electric detector element of the means for checking the transfer is placed opposite the infra-red source of the means for checking authenticity.

65 9. A table-top machine for counting wads of used

notes substantially as hereinbefore described with reference to the accompanying drawings.

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[Rules and Regulations]
[Page 14865-14873]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr20mr00-26]

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 000301056-0056-01]
RIN 0651-AB13

Changes to Application Examination and Provisional Application Practice

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Interim rule.

SUMMARY: The United States Patent and Trademark Office (Office) is revising the rules of practice in patent cases to implement certain provisions of the "American Inventors Protection Act of 1999." These provisions of the "American Inventors Protection Act of 1999" provide for continued examination of an application for a fee, extend the pendency of a provisional application if the date that is twelve months after the filing date of the provisional application falls on a Saturday, Sunday, or a Federal holiday within the District of Columbia, eliminate the copendency requirement for a nonprovisional application to claim the benefit of a provisional application, provide for the conversion of a provisional application to a nonprovisional application, and to provide a prior art exclusion for certain commonly assigned patents.

DATES: Effective Date: May 29, 2000.

Comments: To be ensured of consideration, written comments must be received on or before May 19, 2000. No public hearing will be held.

ADDRESSES: Comments should be sent by electronic mail message over the Internet addressed to: rce.comments@uspto.gov. Comments may also be submitted by mail addressed to: Box Comments--Patents, Assistant Commissioner for Patents, Washington, D.C. 20231, or by facsimile to (703) 872-9411, marked to the attention of Robert W. Bahr. Although comments may be submitted by mail or facsimile, the Office prefers to receive comments via the Internet. If comments are submitted by mail, the Office would prefer that the comments be submitted on a DOS formatted 3\1/2\ inch disk accompanied by a paper copy.

The comments will be available for public inspection at the Special Program Law Office, Office of the Deputy Assistant Commissioner for Patent Policy and Projects, located at Room 3-C23 of Crystal Plaza 4, 2201 South Clark Place, Arlington, Virginia, and will be available through anonymous file transfer protocol (ftp) via the Internet (address: <http://www.uspto.gov>). Since comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

FOR FURTHER INFORMATION CONTACT: Robert W. Bahr, Karin L. Tyson, or Robert A. Clarke by telephone at (703) 308-6906, or by mail addressed to: Box Comments--Patents, Assistant Commissioner for Patents, Washington, DC 20231, or by facsimile to (703) 872-9411, marked to the attention of Robert W. Bahr.

SUPPLEMENTARY INFORMATION: The "American Inventors Protection Act of 1999" (Title IV of the "Intellectual Property and Communications Omnibus Reform Act of 1999" (S. 1948) as introduced in the 106th Congress on November 17, 1999) was incorporated and enacted into law on November 29, 1999, by Sec. 1000(a)(9), Division B, of Public Law 106-113, 113 Stat. 1501 (1999). The "American Inventors Protection Act of 1999" contains a number of changes to title 35, United States Code. This interim rule changes the rules of practice to implement the provisions of Secs. 4403, 4801, and 4807 of the "American Inventors Protection Act of 1999."

Section 4403 of the "American Inventors Protection Act of 1999" is effective on the date six months after the date of enactment of the "American Inventors Protection Act of 1999" (May 29, 2000), and

is necessary for proper performance of the functions of the agency; (2) the accuracy of the agency's estimate of the burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information to respondents.

Interested persons are requested to send comments regarding these information collections, including suggestions for reducing this burden, to Robert J. Spar, Director, Special Program Law Office, United States Patent and Trademark Office, Washington, D.C. 20231, or to the Office of Information and Regulatory Affairs, OMB, 725 17th Street, N.W., Washington, D.C. 20503, (Attn: PTO Desk Officer).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, 37 CFR Part 1 is amended as follows:

PART 1--RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1 is revised to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

2. Section 1.7 is revised to read as follows:

Sec. 1.7 Times for taking action; Expiration on Saturday, Sunday or Federal holiday.

(a) Whenever periods of time are specified in this part in days, calendar days are intended. When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday,

Sunday, or on a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday. See Sec. 1.304 for time for appeal or for commencing civil action.

(b) If the day that is twelve months after the filing date of a provisional application under 35 U.S.C. 111(b) and Sec. 1.53(c) falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the period of pendency shall be extended to the next succeeding secular or business day which is not a Saturday, Sunday, or a Federal holiday.

3. Section 1.17 is amended by adding paragraph (e) and revising paragraph (i) to read as follows:

Sec. 1.17 Patent application processing fees.

* * * * *

(e) To request continued examination pursuant to Sec. 1.114:

By a small entity 345.00

By other than a small entity 690.00

* * * * *

(i) For filing a petition to the Commissioner under one of the following sections which refers to this paragraph 130.00

Sec. 1.12--for access to an assignment record.

Sec. 1.14--for access to an application.

Sec. 1.41--to supply the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by Sec. 1.63, except in provisional applications.

Sec. 1.47--for filing by other than all the inventors or a person not the inventor.

Sec. 1.48--for correction of inventorship, except in provisional applications.

Sec. 1.53--to accord a filing date, except in provisional applications.

Sec. 1.53(c)--to convert a provisional application filed under Sec. 1.53(c) to a nonprovisional application under Sec. 1.53(b).

Sec. 1.55--for entry of late priority papers.

Sec. 1.59--for expungement and return of information.

Sec. 1.84--for accepting color drawings or photographs.

Sec. 1.91--for entry of a model or exhibit.

Sec. 1.97(d)--to consider an information disclosure statement.

Sec. 1.102--to make an application special.

Sec. 1.103--to suspend action in application.
Sec. 1.177--for divisional reissues to issue separately.
Sec. 1.313--to withdraw an application from issue.
Sec. 1.314--to defer issuance of a patent.
Sec. 1.666(b)--for access to an interference settlement agreement.
Sec. 3.81--for a patent to issue to assignee, assignment submitted
after payment of the issue fee.

* * * * *

4. Section 1.53 is amended by redesignating paragraph (c)(3) as paragraph (c)(4), adding a new paragraph (c)(3), and revising paragraph (d)(1) to read as follows:

Sec. 1.53 Application number, filing date, and completion of application.

* * * * *

(c) * * *

(3) A provisional application filed under paragraph (c) of this section may be converted to a nonprovisional application filed under paragraph (b) of this section and accorded the original filing date of the provisional application. The conversion of a provisional application to a nonprovisional application will not result in either the refund of any fee properly paid in the provisional application or the application of any such fee to the filing fee, or any other fee, for the nonprovisional application. A request to convert a provisional application to a nonprovisional application must be accompanied by the fee set forth in Sec. 1.17(i) and an

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amendment including at least one claim as prescribed by the second paragraph of 35 U.S.C. 112, unless the provisional application under paragraph (c) of this section otherwise contains at least one claim as prescribed by the second paragraph of 35 U.S.C. 112. A request to convert a provisional application to a nonprovisional application must also be filed prior to the earliest of:

- (i) Abandonment of the provisional application filed under paragraph (c) of this section; or
- (ii) Expiration of twelve months after the filing date of the provisional application filed under paragraph (c) of this section.

* * * * *

(d) * * *

(1) A continuation or divisional application (but not a continuation-in-part) of a prior nonprovisional application may be filed as a continued prosecution application under this paragraph, provided that:

- (i) The prior nonprovisional application is:
 - (A) A utility or plant application that was filed under 35 U.S.C. 111(a) before May 29, 2000, and is complete as defined by Sec. 1.51(b);
 - (B) A design application that is complete as defined by Sec. 1.51(b); or
 - (C) The national stage of an international application that was filed under 35 U.S.C. 363 before May 29, 2000, and is in compliance with 35 U.S.C. 371; and
- (ii) The application under this paragraph is filed before the earliest of:
 - (A) Payment of the issue fee on the prior application, unless a petition under Sec. 1.313(c) is granted in the prior application;
 - (B) Abandonment of the prior application; or
 - (C) Termination of proceedings on the prior application.

* * * * *

Section 1.78 is amended by revising paragraph (a)(3) to read as follows:

Sec. 1.78 Claiming benefit of earlier filing date and cross-references to other applications.

(a) * * *

(3) A nonprovisional application other than for a design patent may claim an invention disclosed in one or more prior filed provisional applications. In order for a nonprovisional application to claim the benefit of one or more prior filed provisional applications, each prior provisional application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. 112. In addition, each prior provisional application must be entitled to a filing date as set forth in Sec. 1.53(c), have any required English-language translation filed therein within the time period set forth in Sec. 1.52(d), and have paid therein the basic filing fee set forth in Sec. 1.16(k) within the time period set forth in Sec. 1.53(g).

* * * * *

5. Section 1.97 is amended by revising paragraph (b) to read as follows:

Sec. 1.97 Filing of information disclosure statement. *✓*

* * * * *

(b) An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in Sec. 1.491 in an international application;
- (3) Before the mailing of a first Office action on the merits; or
- (4) Before the mailing of a first Office action after the filing of a request for continued examination under Sec. 1.114.

* * * * *

6. Section 1.104 is amended by revising paragraph (c)(4) to read as follows:

Sec. 1.104 Nature of examination.

* * * * *

(c) * * *

(4) Subject matter which is developed by another person which qualifies as prior art only under 35 U.S.C. 102(e), (f) or (g) may be used as prior art under 35 U.S.C. 103 against a claimed invention unless the entire rights to the subject matter and the claimed invention were commonly owned by the same person or organization or subject to an obligation of assignment to the same person or organization at the time the claimed invention was made.

* * * * *

7. Section 1.113 is revised to read as follows:

Sec. 1.113 Final rejection or action.

(a) On the second or any subsequent examination or consideration by

*new procedure to allow
filing of IDS before point of
issuance / but after
allowance as for
newly discovered art.*

the examiner the rejection or other action may be made final, whereupon applicant's or patent owner's reply is limited to appeal in the case of rejection of any claim (Sec. 1.191), or to amendment as specified in Sec. 1.114 or Sec. 1.116. Petition may be taken to the Commissioner in the case of objections or requirements not involved in the rejection of any claim (Sec. 1.181). Reply to a final rejection or action must comply with Sec. 1.114 or paragraph (c) of this section.

(b) In making such final rejection, the examiner shall repeat or state all grounds of rejection then considered applicable to the claims in the application, clearly stating the reasons in support thereof.

(c) Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form.

8. Section 1.114 is added immediately following Sec. 1.113 to read as follows:

Sec. 1.114 Request for continued examination.

(a) An applicant may request continued examination of the application by filing a submission and the fee set forth in Sec. 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under Sec. 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of Sec. 1.111.

(c) If an applicant timely files a submission and fee set forth in Sec. 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered. If an applicant files a request for continued examination under this section after appeal, but prior to a decision on the appeal, it will be treated as a request to withdraw the appeal and to reopen prosecution of the

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application before the examiner. An appeal brief under Sec. 1.192 or a reply brief under Sec. 1.193(b), or related papers, will not be considered a submission under this section.

(d) The provisions of this section do not apply in any application in which the Office has not mailed at least one of an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151. The provisions of this section also do not apply to:

(1) A provisional application;

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(2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995;

(3) An international application filed under 35 U.S.C. 363 before June 8, 1995;

(4) An application for a design patent; or

(5) A patent under reexamination.

9. Section 1.116 is revised to read as follows:

Sec. 1.116 Amendments after final action or appeal.

(a) An amendment after final action or appeal must comply with Sec. 1.114 or this section.

(b) After a final rejection or other final action (Sec. 1.113), amendments may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action. Amendments presenting rejected claims in better form for consideration on appeal may be admitted. The admission of, or refusal to admit, any amendment after final rejection, and any related proceedings, will not operate to relieve the application or patent under reexamination from its condition as subject to appeal or to save the application from abandonment under Sec. 1.135.

(c) If amendments touching the merits of the application or patent under reexamination are presented after final rejection, or after appeal has been taken, or when such amendment might not otherwise be proper, they may be admitted upon a showing of good and sufficient reasons why they are necessary and were not earlier presented.

(d) No amendment can be made as a matter of right in appealed cases. After decision on appeal, amendments can only be made as provided in Sec. 1.198, or to carry into effect a recommendation under Sec. 1.196.

10. Section 1.198 is revised to read as follows:

Sec. 1.198 Reopening after decision.

Cases which have been decided by the Board of Patent Appeals and Interferences will not be reopened or reconsidered by the primary examiner except under the provisions of Sec. 1.114 or Sec. 1.196 without the written authority of the Commissioner, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.

11. Section 1.312 is revised to read as follows:

Sec. 1.312 Amendments after allowance.

No amendment may be made as a matter of right in an application after the mailing of the notice of allowance. Any amendment filed pursuant to this section must be filed before or with the payment of the issue fee, and may be entered on the recommendation of the primary examiner, approved by the Commissioner, without withdrawing the application from issue.

12. Section 1.313 is revised to read as follows:

Sec. 1.313 Withdrawal from issue:

(a) Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in Sec. 1.17(i) and a showing of good and sufficient reasons why withdrawal of the application is necessary. If the Office withdraws the application from issue, the Office will issue a new notice of allowance if the Office again allows the application.

(b) Once the issue fee has been paid, the Office will not withdraw the application from issue at its own initiative for any reason except:

- (1) A mistake on the part of the Office;
- (2) A violation of Sec. 1.56 or illegality in the application;
- (3) Unpatentability of one or more claims; or
- (4) For interference.

(c) Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

- (1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
- (2) Consideration of a submission pursuant to Sec. 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

(d) A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials before the date of issue. Withdrawal of an application from issue after payment of the issue fee may not be effective to avoid publication of application information.

Dated: March 10, 2000.

Q. Todd Dickinson,
Assistant Secretary of Commerce and Commissioner of Patents and
Trademarks.

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